

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk / 954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk

**SUBJECT:** Minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** May 6, 2009 (Regular Meeting)

**REPORT IN BRIEF:** Council minutes from the May 6, 2009 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Other - Motion to approve

**Attachment(s):** May 6, 2009 minutes

**TOWN OF DAVIE**  
**REGULAR MEETING**  
**May 6, 2009**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:20 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Paul, Vice-Mayor Crowley, and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

John Pisula, Chair of the Youth Education and Safety Advisory Board, presented a Youth Education Excellence and Safety Outreach grant to teacher Karen Gonzalez from Silver Ridge Elementary School. Ms. Gonzalez said that they planned to update the butterfly garden, install a rain barrel and teach the children about water conservation and eco-friendly organic gardening techniques.

Gary Beerman, Boy Scouts volunteer, invited Council to participate in the Memorial Day Parade. He remarked that only two Broward County cities still celebrated Memorial Day: Pompano Beach and Davie.

David Oakes spoke in support of Davie Commons. He described how Davie had changed from a rural to a semi-rural community, and said that he felt Davie Commons fit with the suburban nature of the current community.

Shirley Munson discussed her pleasure with the ADA accessible park and thanked the Town for supporting it.

Holly Svekis thanked Council and staff for helping with the girls' softball tournament. She presented gifts to Councilmembers in appreciation.

Neal Kalis announced that he and Bob Love would serve as Vice Chairs of the Davie Economic Development Council. They described recent activities of the Development Council and their plans for the future. They had met with Economic Development directors of several nearby municipalities, who all agreed Davie was a "diamond in the rough" and had great potential.

Ellis Traub reminded everyone that Davie Commons was still an issue. He remarked on how the residents valued open spaces and he felt Davie Commons would enable them to afford upkeep on their open spaces.

Mitchell Chester said that the pain of small business owners was becoming palpable and the Town must address the upcoming budget issues. He stated that growth was needed to generate jobs and revenue. Mr. Chester stated that, "there are hundreds and thousands of us out there who are committed to persist, just like they did with Marlins Stadium, to see The Commons happen for the right reasons... Davie cannot stop growing, no matter how much we might want that to happen."

Lloyd Phillips felt The Commons would be a big mistake. He wanted to make a police report against his neighbor who had moved out of his home and taken items such

as countertops and sinks, but he had been informed twice by the Police Department that he could not make a report.

John Pickett said that the current economic situation was difficult for businesses. He felt the Town must keep an open mind regarding all development, including The Commons.

Hugo Villegas had sent a letter to Council requesting an additional coach for the Pine Island pool. He remarked that many people did not agree with the current coach's coaching style and urged Council to read the customer service survey results.

Councilmember Caletka wondered if the Town could mandate a change of coach. Parks and Recreation Director Dennis Andresky explained that the aquatics program vendor was responsible for

the programs. In this case, there was a clause in the contract and staff was trying to prevent conflict. Mr. Andresky supported having a second coach, but was concerned that bringing one in would result in the type of conflict they had experienced six months ago. He said that they were working with the aquatics vendor and the Broward Aquatic swim team coach to get a second coach. They could also consider a separate coaching team.

Bill Liebowitz, Chair of the Playland Village Community Association, thanked the Town for the ADA Park. He advised that the POW flag was still missing at Veterans Park and indicated that another flag had been donated, but he had not yet installed it because he feared it would be stolen as the first two had been.

Mayor Paul advised that the applicants had requested that items 4.12 and 4.32 be withdrawn. She added that staff had recommended tabling items 6.4 and 9.2 to May 20, 2009.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table items 6.4 and 9.2 to May 20, 2009. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Crowley opposed any new billboards in Town, and wanted to deny the application this evening instead of allowing it to move forward. Mayor Paul agreed.

Councilmember Starkey withdrew her motion to table items 6.4 and 9.2.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to table item 6.4 to May 20, 2009. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Vice-Mayor Crowley made a motion to deny 9.2. Council agreed to hear this item when it came up on the agenda.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to add item 4.34 to the Consent Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

#### **4. APPROVAL OF CONSENT AGENDA**

##### *Minutes*

- 4.1 March 20, 2009 (Goal Setting Session)
- 4.2 April 1, 2009 (Workshop Meeting)
- 4.3 April 1, 2009 (Special Executive Session)
- 4.4 April 1, 2009 (Regular Meeting)

##### *Proclamations*

- 4.5 Water Reuse Week (May 10-16, 2009)
- 4.6 Emergency Medical Services Week (May 17-23, 2009)
- 4.7 Randolph A. Pohlman Day (June 4, 2009)

##### *Home Business Tax Receipts*

- 4.8 Digital Seminar Solutions, 1901 SW 115 Avenue
- 4.9 Landscapes Designs, 11940 SW 19 Court
- 4.10 Lang Rentals, 4200 SW 102 Avenue

4.11 Worldwide International Solutions Inc., 12535 SW 14 Place

*Resolutions*

- 4.12     **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "GRIFFIN ROAD CHARTER SCHOOL AND BUSINESS CENTER" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-1-08, Griffin Road Charter School and Business Center, 8150-8180 Griffin Road) (tabled from March 18, 2009) *Planning & Zoning Board recommended approval subject to staff's recommendations*
- 4.13     **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A ONE (1) YEAR CONTRACT EXTENSION BETWEEN THE TOWN OF DAVIE AND WARREN AND ASSOCIATES FOR VERBATIM TRANSCRIPTION SERVICES FOR THE POLICE DEPARTMENT. (\$45,000/year)
- 4.14     **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT FOR THE DESIGN OF THE "POLICE DEPARTMENT - INDOOR FIREARMS RANGE".
- 4.15     **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE A THIRD AMENDMENT TO THE AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN BROWARD COUNTY A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN OF DAVIE FOR COMMUNITY BUS TRANSPORTATION SERVICES DATED AUGUST 6, 2003.
- 4.16     **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2009 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE BROWARD COUNTY SIXTH CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE (base gas tax).
- 4.17     **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2009 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM

THE BROWARD COUNTY THIRD CENT “ADDITIONAL” LOCAL  
OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND  
PROVIDING FOR AN EFFECTIVE DATE.

- 4.18     **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF  
DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2009  
AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN  
BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING  
FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM  
THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL  
OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND  
PROVIDING FOR AN EFFECTIVE DATE.

- 4.19     **AGREEMENT/WAVIER OF FEES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SCOUTMASTER'S CAMPOREE, SOUTH FLORIDA COUNCIL, BOY SCOUTS OF AMERICA AND THE TOWN OF DAVIE FOR UTILIZING THE BERGERON RODEO GROUNDS AND HOLDING A MEMORIAL DAY PARADE AND WAIVING RENTAL FEES AND GRANTING PERMISSION FOR THE USE OF SERVICES AND EQUIPMENT. (\$3,684.90)
- 4.20     **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ACCEPT THE BID RECOMMENDATION FOR INSTALLATION OF NEW WINDOWS AT THE OLD DAVIE SCHOOL RE-BID NO. B-09-56. (Pella Windows and Doors - \$209,307)
- 4.21     **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR HORTICULTURAL CHEMICALS.
- 4.22     **BID/CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE BID FOR SPORTS PHOTOGRAPHY SERVICE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TSS SPORTS PHOTOGRAPHY FOR SAID SERVICE. (\$4,230/year revenue)
- 4.23     **AMENDED POLICIES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING PERSONNEL POLICIES ENTITLED: 1. LONGEVITY PAY, 2. RESIGNATIONS, 3. HOURS OF WORK, 4. POLITICAL ACTIVITIES, AND 5. MILITARY LEAVE; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.24     **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF PERM-A-CARE JANITORIAL SERVICES, INC. TO PROVIDE JANITORIAL SERVICES FOR TOWN HALL AND REMOTE LOCATION BUILDINGS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.25     **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF INTERNATIONAL DATA DEPOSITORY TO PROVIDE OFF-SITE RECORD STORAGE SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.



- 4.26     **TERM EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE TERMS OF THE AGRICULTURAL ADVISORY BOARD, THE BUDGET ADVISORY COMMITTEE, THE OPEN SPACE ADVISORY COMMITTEE, THE PARKS AND RECREATION ADVISORY BOARD, AND THE SENIOR CITIZENS ADVISORY COMMITTEE UNTIL APRIL 2010; AND PROVIDING AN EFFECTIVE DATE.
- 4.27     **BOARD SUNSET** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUNSETTING THE YOUTH EDUCATION AND SAFETY ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

- 4.28     **POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A POLICY RELATING TO THE EMPLOYMENT OF SMALL AND MINORITY BUSINESSES FOR USE IN ADMINISTERING COMMUNITY DEVELOPMENT BLOCK GRANTS; PROVIDING DEFINITIONS; DEFINING AN ACTION PLAN AND PROVIDING FOR AN EFFECTIVE DATE.**
- 4.29     **COMMUNITY DEVELOPMENT PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE TOWN'S COMPREHENSIVE PLAN AS THE COMMUNITY DEVELOPMENT PLAN AS REQUIRED BY THE DEPARTMENT OF COMMUNITY AFFAIRS (DCA) UNDER FLORIDA'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND PROVIDING FOR AN EFFECTIVE DATE.**
- 4.30     **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "PRIMA PROFESSIONAL CAMPUS," AND PROVIDING AN EFFECTIVE DATE. (DG 3-1-09, Prima Professional Campus, 2760 North University Drive) [see related items 4.33, 6.2 and 6.7]**
- 4.31     **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE FINDING OF ADEQUACY DATE ON THE PLAT KNOWN AS THE "PINE MEADOW ESTATES II," AND PROVIDING AN EFFECTIVE DATE. (DG 3-2-09, Pine Meadow Estates II, Pine Meadow Court and SW 136 Avenue)**

*Quasi-Judicial Items*

- 4.32     SPM 7-1-08, Summit Questa Montessori School, 5451 SW 64 Avenue (CF) *Site Plan Committee recommended denial of the application with the following recommendation to Town Council: that the Committee recommended that the applicant reapply for a three-year special permit for this building. If in the event that Council approves this as a permanent structure, the Committee recommended that it comeback to the Site Plan Committee for a full architectural review*
- 4.33     CSP 3-2-09, Town Park Crossing, 2760 North University Drive (RM) *Site Plan Committee recommended approval based on the planning report and the following: 1) to add a hammer-head turn around at the dead-end drive at the northwest part of the site; 2) check all of the turning radiuses which appeared at the curve line that there may not be enough turning ability; 3) redesign the entrance and its island as it appeared it would not work with fire trucks; and 4) the parking appeared to be too tight with the residential; therefore, the Committee*

*recommended that the applicant consider that all the parking that was shown within that parcel, be for residential and ask for a variance towards the commercial end of it [see related items 4.30, 6.2 and 6.7]*

*Item to be added*

- 4.34 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT AGREEMENTS BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THE TOWN'S DISASTER RECOVERY INITIATIVE PROGRAMS FUNDED WITH 2005 CDBG DISASTER RECOVERY FUNDS.

Councilmember Caletka pulled item 4.23 from the Consent Agenda. Councilmember Starkey pulled item 4.27. Mayor Paul pulled item 4.5.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve the Consent Agenda less items 4.5, 4.23 and 4.27. In a voice vote, all voted in favor. (Motion carried 5-0)

## **5. DISCUSSION OF CONSENT AGENDA ITEMS**

- 4.5 Councilmember Starkey read the proclamation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Councilmember Caletka felt this was not the right thing to do, particularly the portion regarding longevity, which had been in practice for so long. Vice-Mayor Crowley agreed.

Councilmember Starkey suggested amending the language in Section A1 from: "Employees who have been continuously employed since on or before July 17, 1991..." to "Employees who have been continuously employed on July 17, 1991 or before..." Councilmember Starkey wanted to see the formalized policy regarding resignations. She agreed they should normalize all employees' hours to 40 per week.

Councilmember Luis felt the longevity terms were "exorbitantly generous" and the Town had a fiduciary responsibility to the public.

Mayor Paul suggested that Council pass this without item 1, noting there were many ideas being discussed in consideration of the budget crisis.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.23 items 2, 3, 4 and 5. In a voice vote, with Councilmember Luis dissenting, all voted in favor. (Motion carried 4-1)

4.27 Councilmember Starkey did not want to sunset this Board as she felt it was doing great things for the Town. She said that she had recently appointed Tim Curtin from Memorial Healthcare Systems to this Board.

Councilmember Starkey made a motion, seconded by Mayor Paul, to deny the request to sunset. In a voice vote, all voted in favor. (Motion carried 5-0)

## **6. PUBLIC HEARING**

*Resolutions*

- 6.1 **CAPITAL IMPROVEMENT PROGRAM AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2009-2013.**

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.2 **FLEX UNITS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF AFFORDABLE FLEX UNITS FROM FLEXIBILITY ZONE 113 IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE (FX 4-1-08, Town Park Crossings, 2760 North University Drive) *Planning & Zoning Board recommended approval [see related items 4.30, 4.33 and 6.7]***

Mr. Rayson read the resolution by title.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Mayor Paul asked where zone 113 was located. Planning and Zoning Manager David Quigley stated that this was the farthest west flexibility zone in District 4.

Councilmember Luis made a motion, seconded by Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinances - First Reading (Second and Final Reading to be held May 20, 2009)*

- 6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 25 - UTILITIES, SECTION 25-32, ENTITLED "WATER CONSERVATION" TO CORRECT A SCRIVENERS ERROR, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on May 20, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE UTILITIES CODE, CHAPTER 25, BY ADDING ARTICLE IV, PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-33 ENFORCEMENT OF PROTECTION OF UNDERGROUND UTILITIES; SECTION 25-34 DEFINITIONS; SECTION 25-35 MANDATORY PRE-EXCAVATION PROCEDURES; SECTION 25-36 EXEMPTIONS; SECTION 25-37 EXCAVATION IN THE ABSENCE OF UNDERGROUND FACILITIES MARKINGS BY MEMBER OPERATORS; SECTION 25-38 EXCAVATION PROCEDURES AND INSTALLATION OF**

FACILITIES; SECTION 25-39 NOTIFICATION UPON CONTACT;  
SECTION 25-40 ENFORCEMENT BY CIVIL VIOLATION  
PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE;  
PROVIDING FOR CONFLICTS; PROVIDING FOR  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

6.5      **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2009; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on May 20, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Mayor Paul asked how they had determined the roof pricing. Mr. Shimun said that a contractor had provided this figure.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.6      **COMMITTEE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE RESOURCE AND ENERGY CONSERVATION COMMITTEE; PROVIDING FOR MEMBERSHIP OF THE COMMITTEE; PROVIDING FOR TERMS OF OFFICE FOR ITS MEMBERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Paul announced a public hearing on the ordinance would be held on May 20, 2009.

Mayor Paul opened the public hearing portion of the meeting. As no one spoke, Mayor Paul closed the public hearing portion of the meeting.

Councilmember Starkey stated that the name of the committee should be the Environmental Resource and Energy Conservation Committee. Mayor Paul recommended the Green Energy and Environmental Committee. She suggested ten committee members, instead of five members and five alternates. Councilmember Starkey said that quorum should be based upon the number of appointed members. Mr. Muniz agreed to determine whether the Charter had been amended to indicate that a quorum was based on appointed members only.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve, and to call the committee the Green Energy and Environmental Committee, to have ten appointees and no alternates. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinance - First Reading/Quasi-Judicial Item (Second and Final Reading to be held May 20, 2009)*

6.7      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-09, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: RM-10, MEDIUM**



DWELLING DISTRICT TO: RM-16, MEDIUM HIGH DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-09, Town Park Crossing, 2760 North University Drive) *Planning & Zoning Board recommended approval* **[see related items 4.30, 4.33 and 6.2]**

Mr. Rayson read the ordinance by title and swore in witnesses.

Hector Venas and Robbie Block, representing the applicant, offered to answer questions.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

## **7. APPOINTMENTS**

### **7.1 Mayor Paul**

7.1.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

Mayor Paul nominated Ken Farkas, seconded by Vice-Mayor Crowley. In a voice vote, all voted in favor. (Motion carried 5-0)

### **7.2 Vice-Mayor Crowley**

7.2.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

Vice-Mayor Crowley nominated Thomas Jacobs, seconded by Councilmember Starkey. In a voice vote, all voted in favor. (Motion carried 5-0)

### **7.3 Councilmember Caletka**

7.3.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

No appointment was made.

### **7.4 Councilmember Luis**

7.4.1 Budget Advisory Committee (one exclusive appointment - term expires April 2010) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

7.4.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

- 7.4.3 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

Councilmember Luis reappointed Ken DeArmas, seconded by Vice-Mayor Crowley. In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.4.4 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

7.5 Councilmember Starkey

7.5.1 Community Redevelopment Agency (one exclusive appointment - term expires April 2013)

No appointment was made.

7.5.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

7.5.3 Planning and Zoning Board/Local Planning Agency (one exclusive nomination - term May 27, 2009 to May 25, 2010) (member must be a resident and qualified voter; **nomination requires Council approval**)

No appointment was made.

7.5.4 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.6 Unsafe Structures Board (three non-exclusive appointments; term expires April 2012) (one appointment shall be a general building contractor; one appointment shall be a real estate property manager; one appointment shall be an engineer) (members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

Council agreed to reappoint the three members who wanted to continue to serve.

Mayor Paul stated that she had an Agriculture Board opening and she was appointing Anthony Burza.

**8. OLD BUSINESS**

There was no old business to be discussed.

**9. NEW BUSINESS**

9.1 Energy Efficiency and Conservation Block Grant Program (EECBG) - Phillip Holste, Programs Manager

Mr. Holste said that the Town had been given \$841,000 from the American Recovery Act to go toward energy efficiency grants. Staff had prepared recommendations for activities to fund with the grant and wanted Council's input.

Public Works Director Manny Diez informed Council that they wanted to replace sports lighting in Bamford Sports Complex Pod 1 and Shenandoah Park with energy

efficient lighting. He noted that these lights came with a 10-year warranty, including preventive maintenance.

Mayor Paul asked if staff had looked into solar energy. Mr. Diez said that there was a demonstration project planned for solar powered LED streetlights at Liberty Park.

Mr. Diez explained that this project would replace a capital item that needed replacement, save energy, and reduce maintenance costs. Once Council gave their approval, staff would bring a resolution forward which would give Mr. Diez the directive to start negotiating.

Council gave direction to staff to move the project forward.

9.2 Consideration of a Billboard Relocation and Reconstruction Agreement with CBS Outdoor, Inc. - David Quigley, Planning & Zoning Manager  
Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to deny.

Dwayne Dickerson, representing CBS Outdoor Inc., advised that he had submitted a letter prior to the meeting requesting that this item be tabled to May 20, 2009. He asked Council to consider this to allow him time to discuss the request with his client and associates, and to meet with property owners to address their concerns.

Vice-Mayor Crowley explained to Mr. Dickerson that he was against billboards altogether and would vote against it, regardless of Mr. Dickerson's presentation.

Councilmember Starkey said that she did not approve of the billboards in an area she did not feel was "appropriate or should have them to begin with." She said that she also would not approve the request. Mr. Dickerson indicated that he could suggest different location options in his presentation.

Councilmember Caletka stated that he would vote against denial because he wanted additional information.

Mayor Paul said that she had always opposed billboards as visual pollution. She felt the newer billboards provided such a distraction that they contributed to accidents.

Councilmember Luis informed Mr. Dickerson that he could also not support billboards but he would not oppose hearing the presentation.

In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

### 9.3 Waste Removal Contract - Mayor Paul

Mayor Paul noted that the contract would expire in September and she wanted to obtain bids from other companies to save the Town money. Vice-Mayor Crowley did not want to send out an RFP, but wanted staff to negotiate a few "housekeeping items" in the existing contract. He pointed out that his residents had voiced no complaints about the current service and he wanted to continue using the same company.

Councilmember Starkey remembered going through the bid process five years ago, which had yielded a positive outcome. She agreed that her residents had voiced no valid complaints against the current company. Councilmember Starkey remembered the RFP had been a costly process five years ago, approximately \$60,000 to \$70,000. Mr. Shimun agreed there would be a significant cost and added that there may not be time to submit changes to the TRIM notice. Councilmember Starkey agreed with Vice-Mayor Crowley that staff should negotiate with Waste Management.

Councilmember Caletka noted that some municipalities were engaged in long-term contracts with trash haulers. He noted that it might take some time to assess the performance of a new hauler. Councilmember Caletka asked staff to start renegotiating with Waste Management, including a special pickup district every other week, and holding the price for the first year of a four-year contract.

Councilmember Luis felt the Town could hurt itself if they changed now because they would be renegotiating just when a new company became familiar with the Town.

Mayor Paul advised that Project Manager Susan Dean should be included in the negotiations because of her expertise. She asked for a motion to this affect, which Mr. Shimun objected to, stating that this would be “interfering with my position.”

**10. SCHEDULE OF NEXT MEETING**

10.1 Schedule of First Budget Workshop (June 15, 2009 - noon; June 16, 2009 - noon; or June 17, 2009 at 4:00 p.m.)

Budget and Finance Director William Ackerman asked Council to choose one of the suggested dates. Council decided on June 16, 2009 at noon.

## **11. MAYOR/COUNCILMEMBER'S COMMENTS**

### **COUNCILMEMBER CALETKA**

**SWIM COACH COST.** Councilmember Caletka asked if there would be a tangible cost to the Town to bring on another swim coach. Mr. Andresky explained that there would be no additional cost to the Town. The current contract would go out to bid the following week and the new contract would start October 1st. Mr. Andresky believed there was sufficient space for another team, but he was concerned about potential trouble from the current swim team parents.

**41ST AVENUE SEWER INSTALLATION MEETING.** Councilmember Caletka advised that he and Mayor Paul had attended a meeting of 41st Avenue residents who were unhappy about sewer lines being forced upon them. He asked Council to consider a zero-percent interest rate loan to residents for the sewer work. Mr. Shimun wanted to discuss the reason the Town currently charged interest for the loan and Council agreed to put this on a future agenda.

**COUNCIL MEETING DATES.** Councilmember Caletka asked staff to send him a memo stating the new Town Council meeting dates they had discussed at their previous meeting.

**LEXUS LANES.** Councilmember Caletka stated that he had written to Governor Crist to state that he felt it unfair that a private company would profit from the Town's tax dollars that supported servicing the Lexus lanes proposed for I-595 that would have no entries in the Town. He advised that he had an appointment to meet with the Chief of Staff in the Governor's absence.

Vice-Mayor Crowley suggested that the company reaping the profit should be responsible for providing emergency response.

Councilmember Starkey remarked that there was a large contingent of people who had been working on this issue for some time. She suggested that Councilmember Caletka contact Mitchell Chester to seek his input and perhaps that group's endorsement.

Councilmember Luis believed that Town residents could access the Lexus lane at 136th Avenue and also near the Turnpike. He explained that the contractor would not get paid for 35 years and the rate was set by FDOT. The contractor would collect the tolls to maintain the road, but the ownership would stay with the State. Councilmember Luis felt the Town's only issue was access for residents.

### **COUNCILMEMBER LUIS**

**NEW FIRE STATION MEETING.** Councilmember Luis announced that there would be a meeting regarding the new District 4 Fire Station on May 14th.

**OAK HILL ATV DAMAGE.** Councilmember Luis encouraged residents to phone the police when they witnessed illegal ATV activity.

### **VICE-MAYOR CROWLEY**

**OLD DAVIE SCHOOL LEGAL OPINION.** Vice-Mayor Crowley asked for Mr. Rayson's legal opinion regarding whether the Town was responsible for maintenance of the two houses on the Old Davie School property.

### **COUNCILMEMBER STARKEY**



**DETECTING ATVS.** Councilmember Starkey asked if ballards could be installed on the I-595 commerce parcel to deter ATVs and motorcycles from using the trails.

**ROBBINS LODGE TRAIL.** Councilmember Starkey stated that she had met with staff to discuss moving the trail forward and asked staff to provide her an update on its progress.

**TOMMY GILL.** Councilmember Starkey advised that she, Mayor Paul, and Vice-Mayor Crowley had attended the event at Old Davie School honoring class clown, Tommy Gill. Councilmember Starkey said that this had been a “fantastically fun time” that had raised money for the school.

## **WATER RESOURCE ADVISORY TASK FORCE FOR BROWARD COUNTY.**

Councilmember Starkey thanked staff for attending the recent meeting to prioritize projects. She said that they had a great opportunity to start utilizing re-use water at the Arrowhead, Pine Island Ridge and perhaps Grand Oaks Golf courses. Councilmember Starkey felt they should also consider re-use water in the median on Pine Island Road.

## **MAYOR PAUL**

**HOMEOWNER'S ASSOCIATION MEETINGS REGARDING I-595.** Mayor Paul stated that she had attended a few homeowner's association meetings regarding the I-595 project and thanked those associations for inviting her to hear residents' comments.

**DEDICATION OF GARDEN OF REFLECTION.** Mayor Paul said that she had attended the Garden of Reflection dedication at Long Key Nature Center. She remarked this was a lovely ceremony.

**PROPOSAL TO ELIMINATE THE DARE PROGRAM.** Mayor Paul said that Broward Sheriff's Office was pulling deputies out of Nova's schools because Davie was not a contract city, so the Town had placed their own officers at Nova High School and Nova Middle School, and this would have an impact on the DARE program. She felt this program was very important, and wanted to save it, so she planned to meet with School Board representatives regarding this. Vice-Mayor Crowley pointed out that Nova was a county-wide school and therefore, should be staffed by county employees.

**GIOVANNI MOSS.** Mayor Paul commended Giovanni Moss and the Housing and Community Development Department for the brochure they had produced advising residents how to avoid foreclosure.

**LANDSCAPING CONCERNS.** Mayor Paul wanted the Public Works Department to pay more attention to landscaping details. She suggested medians should have drip irrigation systems with Xeriscape instead of traditional landscaping.

## **12. TOWN ADMINISTRATOR'S COMMENTS**

**DARE.** Police Chief Patrick Lynn said that the Town supported the DARE program, but the most important need was for resource officers in the schools that the Sheriff's Office was leaving. Vice-Mayor Crowley objected to using Davie Police personnel in a county school. Chief Lynn explained that the schools were in frequent need of police, so if the Town's officers were removed as resource officers, the officer on duty in that area of Town would end up spending most of his time in the school anyway, and officers from other areas would have to respond to non-school calls. Mayor Paul said that she intended to contact the Sheriff the next day about this.

## **13. TOWN ATTORNEY'S COMMENTS**

No comments were made.

## **14. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 10:02 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_

Mayor/Councilmember